

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:

Soshu Kirihaara et al.

Application No.: 10/509,730

Confirmation No.: 9942

Filed: September 30, 2004

Art Unit: 1794

For: THREE DIMENSIONAL PERIODIC  
STRUCTURE AND METHOD OF  
PRODUCING THE SAME

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Examiner: G. Baldwin

**RESPONSE TO NON-FINAL OFFICE ACTION**

**INTRODUCTORY COMMENTS**

In response to the Office Action dated September 2, 2008, please amend the above-identified U.S. patent application as follows:

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.